

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

Specification

It is respectfully submitted that the specification inherently describes tangible machine-readable storage medium in that such an article is inherently used in connection with an ASP system. Accordingly, it is respectfully requested that this basis for objection be withdrawn.

35 USC § 102

Claims 84 and 87 stand rejected under section 102(a) as allegedly being anticipated by Courts et al. (U.S. Patent No. 6,085,220). These rejections are respectfully traversed.

To present a valid anticipation rejection under 35 U.S.C. §102, the Office must identify a single prior art reference in which “each and every element as set forth in the claim is found, either expressly or inherently described.” MPEP §2131 quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The rejection over Courts fails to satisfy this burden with regards to claims 84 and 87.

Claim 84 has been amended to recite: “receiving, at a remote server, data characterizing at least one rule for making decisions based on input data; generating, at a client server by the remote server, at least a portion of a web page for receiving the input data, the portion of the web page corresponding to the at least one rule; generating, by the remote server, a decision service for producing an output by applying the at least one rule to the input data, the output corresponding to at least one recommendation, reason code, decision or a score; receiving, at the

client service, the input data from a user via the web page; invoking, by the client server, the decision service to produce an output by applying the at least one rule to the input data; and delivering, by the remote server, the output to the user at the client server” (for support, see, inter alia, specification FIG. 1 and corresponding specification passages).

As an initial matter, the undersigned appreciates the passages cited by the Examiner and included in the office action. While Court does describe generating web pages in a presentation layer and business logic in a business layer, it fails to recite the subject matter recited in the claims. First, the utilization of business rules in business layer to make complicated decisions and display customized content relates to how developers can create pages from legacy systems without custom code. In other words, the business rules relates to ways to render web pages from legacy systems. In contrast, the subject matter of claim 84 relates to rendering information for making decisions in a first web page, receiving input data from a user, and then invoking a decision service using the input data. Second, there is no suggestion that a decision service is generated and later invoked. Again, the business logic is used by the presentation layer in generating responsive web pages does not disclose the recited decision service. Moreover, the relation between the client server and the remote server was added to the claim to further clarify the differences between the ASP decision service as compared to the fixed business rules for rendering web pages of Courts.

Accordingly, claim 84 and its dependent claims should be allowable.

35 U.S.C. § 103

Claim 86 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Courts et al. (U.S. Patent No. 6,085,220) and further in view of Humplemann et al. (U.S. Patent

No. 6,466,971). Claims 88 and 89 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Courts et al. (U.S. Patent No. 6,085,220) and further in view of Bertrand et al. (U.S. Patent No. 6,018,732). Claims 90-91 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Courts et al. (U.S. Patent No. 6,085,220) and further in view of Ballantyne et al. (U.S. Patent No. 6,687,873). Claims 92, 93, 96, and 103 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Courts et al. (U.S. Patent No. 6,085,220) and further in view of Berg et al. (U.S. Patent No. 5,999,911). Claim 94 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Courts and Berg and in further view of Greenfeld (U.S. Patent No. 4,93,928). Claim 95 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Courts and Berg and in further view of Schabes et al. (U.S. Patent No. 5,475,588). Claims 97-99 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Courts and Berg and in further view of Bertrand. Claim 100 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Courts, Berg, and Bertrand and in further view of Mical (U.S. Patent No. 4,772,882). Claims 101-102 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Courts and Berg and in further view of Xie et al. (An additive reliability model for the analysis of modular software failure data).

For a proper rejection under 35 U.S.C. § 103(a), the Office “bears the initial burden of factually supporting any prima facie conclusion of obviousness” and must therefore present “a clear articulation of the reason(s) why the claimed invention would have been obvious.” MPEP § 2142. An obviousness rejection “cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” MPEP § 2141 quoting *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1386, 1385 (2007). This rationale must include a showing that all of the claimed

elements were known in the prior art and that one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, to produce a combination yielding nothing more than predictable results to one of ordinary skill in the art. *KSR*, 82 USPQ2d at 1395. MPEP §2141.02 further notes that “a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the subject matter recited in the pending claims. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). It is respectfully submitted that the stated rejections under 35 U.S.C. §103(a) fail to satisfy this burden with regard to the currently pending claims. In particular, the skilled artisan would not have resulted in the subject matter recited in the dependent claims by combining Courts with any of the cited references for the reasons stated above (among others).

New claim 104 recites: “rendering, by a remote web sever at a client server, a web page including a first decision tree, the first decision tree comprising a first plurality of linked values to help identify a strategy corresponding to the first decision tree, the web page including graphical user interface elements corresponding to the first plurality of linked values; receiving user-generated input via one or more of the graphical user interface elements on the web page modifying at least one of the first plurality of linked values in the first decision tree; passing, by the client server to the web server, the user modified first plurality of linked values; passing, by web server to a remote decision server, the user modified first linked values; calculating, by the remote decision server, a second plurality of linked values based on the user modified first linked values and a pre-defined decision model; generating, by the remote decision server, a second decision tree based on the second plurality of linked values, the second decision tree comprising a second plurality of linked values to help identify the strategy corresponding to the first decision

tree; passing, by the remote decision server to the web server, the second decision tree; and rendering, by the remote web server at the client server, a second web page including the second decision tree" (for support, see, inter alia, specification FIG. 2 ref. 210 and accompanying text).

New claim 104 relates to an arrangement in which the decision server is available on an ASP basis. A first web page is rendered including a decision tree with linked values that a user can modify - which results in a web server passing such modifications to a decision server so that a second decision tree with different linked values being rendered to a user (as recited in the claim). Such an arrangement is advantageous as it permits user to access a decision engine on a remote basis. None of the cited references suggest such an arrangement, and therefore, claim 104 should be allowable.

Concluding Comments

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment. Applicant asks that all claims be allowed.

If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below. The Commissioner is hereby authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 35006-629001US.

Respectfully submitted,

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